

ANSWER TO PETITION FOR DIVORCE/ANNULMENT INSTRUCTION PACKET

Use the **Answer to Petition for Divorce/Annulment ONLY** when:

- ☐ You have been named as the Respondent in a Petition for Divorce;
AND
- ☐ The Petition for Divorce was filed in Delaware.

Although this packet appears to discuss only what you need to do if you were served with a Petition for Divorce, you should also use this packet if you were served with a Petition for Annulment.

HOW TO USE THIS PACKET

This packet contains general information about the Divorce process, basic instructions on how to complete the Court forms you must file, and samples of completed Court forms. You should read all of the instructions carefully **before** filling out any of the forms. All of the forms must be neatly filled out by hand or typed. **COMPLETE AND FILE THE FORMS THAT ARE INCLUDED IN THE FORMS PACKET.** The sample forms included in this Instruction Packet are simply to help you understand how to fill out the real forms in the Forms Packet.

YOU MAY NOT NEED TO COMPLETE ALL OF THE SECTIONS IN THIS PACKET. A paragraph at the beginning of each Section will describe who should complete that Section. **Read carefully** to determine if that Section applies to you. **ONLY** complete the sections that apply to you.

YOU DO NOT HAVE TO COMPLETE ALL THE SECTIONS AT ONCE.

For example, you do not have to file the forms in Section 2 at the same time as the forms in Section 1. Read the information carefully to make sure that you know what you are supposed to do and when to do it.

Please look for the shaded examples, written instructions and the following symbols throughout the packet. They will help guide you.



READ THIS SECTION CAREFULLY



THIS DOCUMENT MUST BE FILED



FILL IN THE BLANKS OR WRITE INFORMATION HERE



YOU DO NOT HAVE TO TAKE THESE STEPS NOW.



TIPS AND REMINDERS

- ✓ Make sure that you read any FAQ's (Answers to Frequently Asked Questions) on Divorce. These will give you the information that you need to properly file an Answer to Petition for Divorce and to better understand the process.
- ✓ The laws governing divorce and annulment are found in Title 13 of the Delaware Code. It will be helpful for you to read these statutes, so that you are aware of the law that the Court will be applying when deciding your case. The Delaware Code is available in the Family Court Resource Centers, public libraries throughout Delaware and on the internet at www.delcode.state.de.us.
- ✓ **BE AWARE** that this Packet does **NOT** address the issues of custody, visitation or child support. Check at the Family Court Resource Centers or on the Family Court web site for information and packets addressing these issues. These resources will provide you with detailed information regarding custody, visitation and child support, including **any additional forms** that you must file when requesting that the Court consider these matters.
- ✓ Remember who is the Petitioner and who is the Respondent.
 - The **PETITIONER** is the person who filed the Petition for Divorce.
 - The **RESPONDENT** is the person replying (responding) to the **Petition (YOU)**.
- ✓ Remember that properly completing the forms does not guarantee that the Court will give you (grant) what you want. It is up to you at the Court Hearing to prove why the Court should give you (grant) you what you want.

- ✓ Representing yourself may take a lot of time, may be difficult and may be confusing. The Court will expect you to follow the same rules that attorneys must follow. **If at any point in the divorce process you are unsure about representing yourself, you should talk to an attorney.**
- ✓ Please remember that **COURT STAFF CANNOT GIVE YOU LEGAL ADVICE**. Should you have any questions as to what options you have or what you should do, you should talk to an attorney. Just because you talk to an attorney does not mean that you must hire that attorney to represent you. Ask the attorney if he/she is willing to meet with you and answer your questions without having to hire him/her for full representation. Before you meet with the attorney, ask what fees may be involved for such limited services.
- ✓ If you would like assistance finding an attorney, you can call the **Lawyer Referral Service** in New Castle County, 302-478-8850, and in Kent and Sussex Counties, 1-800-773-0606. (You may call the same telephone numbers and ask for the **Legal Help Link** to find out if you qualify for free legal assistance.) You also can refer to the **Attorney Roster** that is located at the Family Court Resource Centers. The Attorney Roster is a listing of some of the attorneys who practice family law in Delaware and includes information about how to contact the attorneys and what fees the attorneys charge.
- ✓ Always bring your photo identification (such as your driver's license or state issued photo identification card) whenever you need to have a Court form notarized.

- ✓ **THERE IS A LOT OF PAPERWORK IN A COURT CASE AND HAVING THE COURT MAKE YOU COPIES CAN BE VERY EXPENSIVE.**

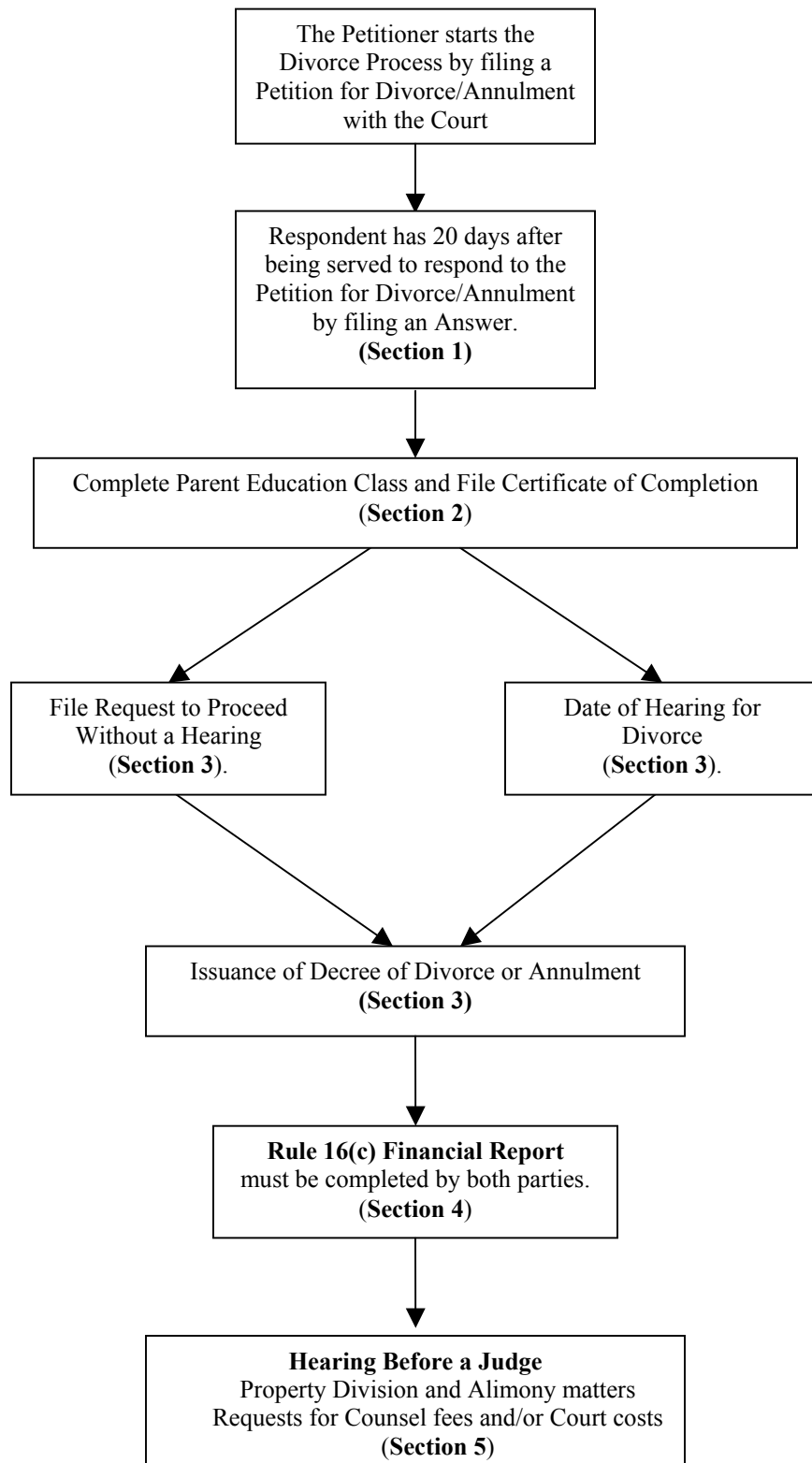
PLEASE READ AND REMEMBER THESE IMPORTANT TIPS

REMEMBER

- **KEEP A COPY OF EVERY DOCUMENT AND COURT PAPER.**
- **Keep all notes, documents court papers together and organized in a folder with the most recent papers on top.**
- **Bring the folder with your papers with you every time you go to Court.**
- **When you file a document with the Court, bring the required number of copies of each paper and an extra copy for you to have “clocked-in.” Keep the clocked-in copy in your folder so you have proof of the time and date you filed each document. You may make copies at the Resource and Self-Help Centers but there is a small fee.**
- **When you complete a document or form for filing with the Court, always include the full case name and file and petition numbers (if there are any).**
- **When you must mail something, we suggest that you use regular mail AND “certified mail, return receipt requested” so that you have proof that the other party received the envelope. If you cannot afford to pay for “certified mail” we suggest you get a “certificate of mailing” at the post office to prove that you mailed the envelope to the other party. You may purchase stamped envelopes at the Resource and Self-Help Centers and the Court will mail your Court papers for you by regular mail. You are responsible for certified mailing.**

THE REST OF THIS PACKET EXPLAINS THE DIVORCE PROCESS AND CONTAINS INSTRUCTIONS ON HOW TO COMPLETE THE COURT FORMS AND SAMPLES OF COMPLETED COURT FORMS. **REMEMBER, ONLY FILE THE FORMS IN THE FORMS PACKET.** THE INSTRUCTION AND SAMPLE FORMS IN THIS SECTION ARE DESIGNED ONLY TO ASSIST YOU IN COMPLETING THE FORMS IN THE DIVORCE PACKET.

THE DIVORCE PROCESS



Section 1

Section 1

TYPES OF DIVORCE



There are different types of divorce in Delaware. Your divorce will be processed differently depending upon what type it is. Divorces can be **Contested** or **Uncontested**.

- The Petition for Divorce/Annulment is contested if the Respondent (YOU) challenges material information in the petition such as the jurisdiction of the Court to hear the divorce proceeding or challenges the grounds (reasons) for divorce stated in the Petition for Divorce/Annulment. If you contest (challenge) the petition, the matter **will automatically** be scheduled for a hearing with a Commissioner.
- If the Respondent does not file an Answer **within 20 days** of receiving the Petition for Divorce/Annulment **OR** files an Answer agreeing with the Petitioner's request for a divorce, the petition is uncontested. If the petition is uncontested **the Petitioner can choose** what type of divorce proceeding he/she would like to have.
 - The Petitioner may request that the Court decide the Petition for Divorce/Annulment based solely **on the papers** that are filed, without the parties appearing in Court for a hearing; **OR**
 - The Petitioner may chose to have the Court decide the Petition for Divorce/Annulment **after holding a hearing** which the Petitioner must attend and the Respondent may, but is not required to, attend.

The Respondent has no say in what type of uncontested divorce proceeding is chosen. Delaware law allows the Petitioner alone to make this decision. The Respondent **may NOT change** the type of uncontested divorce

proceeding that the Petitioner has chosen. The Court will use the same standard for granting a divorce regardless of the type of divorce proceeding that the Petitioner chooses.



BE AWARE. If the Petitioner in an uncontested divorce chooses to proceed on the papers, you will not have a hearing in front of a Commissioner to decide whether your divorce should be granted. However, **IF** you or your spouse request that the Court divide your marital property/debts and/or award alimony, you **MAY** still have a hearing in front of a Judge. The hearing in front of a Judge on these ancillary matters **CANNOT** be waived, unless the parties settle their case prior to the scheduled hearing.

STARTING THE PROCESS



After the Petitioner files a Petition for Divorce/Annulment, you will be **served** with notice of the petition. This means that you will receive a **Summons** (a Court document explaining your rights and responsibilities) and **copies** of the petition and any other paperwork that the Petitioner filed. Service can be accomplished in the following ways:

- You can be personally served. This means that a person designated by the Court will hand the papers to you directly at your home or your job.
- You can be served by mail. This means that the papers will be mailed to you by certified mail.
- You can be served by publication in the newspaper.
- You can come into the Court and pick up a copy of the papers from Court staff.

Regardless of how you receive notice of the petition, it is **VERY IMPORTANT** to read all of these documents **carefully** so that you can properly respond to the allegations in the Petition for Divorce/Annulment.

In some situations, Delaware law allows a divorce to be granted without holding a Court hearing. If the Petitioner opts to proceed without a hearing, then **the ONLY OPPORTUNITY that you will have to respond to the allegations in the Petition for Divorce/Annulment is by filing an Answer within 20 days of being served with the petition. **FILING AN ANSWER IS THE ONLY WAY YOU CAN TELL YOUR SIDE OF THE STORY TO THE COURT.**** The Court will rely on the information in your Answer when determining whether to grant the divorce. If you **do not** file an Answer, you will **NOT be given another opportunity to respond** to the Petition for Divorce/Annulment and the Court will rely **ONLY** on the information provided by the Petitioner when deciding whether

to grant the petition for divorce. It is **VERY IMPORTANT** that you file an Answer, so that the Court knows how you feel about the divorce.



To respond to the Petition for Divorce/Annulment, you **MUST** file the **ORIGINAL** with the Court and mail **ONE (1) COPY** of each form below to the Petitioner **within 20** days of receiving the Petition:



Answer form. (file original and mail copy to the Petitioner).

- In your Answer you may do the following:
 - **Admit** (you agree that the statement is true) or **deny** (you believe the statement is false) any statements made by your spouse in the Petition for Divorce/Annulment by checking the appropriate box. If you deny the statement, explain to the Court **why** the Petitioner's statement is not true. If you do not respond to a statement, the Court will assume that you agree that the statement is true. If you believe a statement is false, you **must deny** it.
 - You may **ALSO** request that the Court determine matters of **division of marital property/debts, alimony, attorney fees, court costs and/or any other ancillary relief allowed in Title 13, section 1507 (f)**. You **DO NOT** have to file a counterclaim to request that the Court to decide the above matters. Filing fees will be charged by the Court for each matter that you ask the Court to determine. You may also request that the Court **change your name**. Please note that you can only request to change **YOUR** name. You may not request to change your spouse's name. You may **only** change your name to your maiden name or other former name.
 - **Counterclaim** for divorce or annulment. If you counterclaim, you are filing your own Petition for Divorce/Annulment.

- Carefully read each question on the Answer form. Questions **DO NOT** correspond with questions on the Petition for Divorce/Annulment. You **MUST** read the petition carefully to properly answer the questions on the Answer form.
- The Answer must be notarized by a notary public or authorized court staff. **DO NOT** sign your petition until you are in the presence of a notary.
- You must mail a copy of the Answer form to the Petitioner or the Petitioner's attorney, if there is one. Complete the Affidavit of Mailing at the end of the Answer form to swear to the Court that you have mailed a copy to the other party.



If you and the Petitioner are parents of a child(ren) who is under the age of 18, you must also file the form below before with the Court:



Affidavit of Children's Rights

BELOW ARE OPTIONAL FORMS



ONLY file the following forms if the situation applies to you:



Affidavit of Appearance and Waiver of Rights Form. *(file original only)*

- **ONLY** file these forms if you wish to **give up your right** to be given notice of the Petition for Divorce and to file an Answer.
 - By filing an **Affidavit of Appearance**, you are telling the Court that you do not need to be given notice of the Petition for Divorce/Annulment (or in other words you do not need to be served).
 - The **Waiver of Rights** form tells the Court that you do not want to file an Answer form. **BE AWARE** that if you waive your right to file an Answer form, you will **not be given another chance** to

respond to the allegations in the Petition for Divorce/Annulment. The Court will assume that you agree that all of the allegations in the petition are **TRUE**.

- If you have already been served with the Petition for Divorce/Annulment, you may still file the Waiver of Rights and give up your right to file an Answer.

Separation Agreement *(file original and one copy)*

- File the Separation Agreement **ONLY** if you and your spouse have agreed on the terms of your divorce **AND** you want the Court to be able to have the power to make you and your spouse follow your agreement (enforce the Separation Agreement).
- The Separation Agreement is **NOT** a Court form and is **NOT** included in the Answer Packet. You must write down how you and your spouse are dividing your marital property and/or debts and any other agreements (such as custody, visitation, child support, alimony etc.) that you and your spouse have regarding the divorce. On the top of the paper, write the case name and file number (this is in the top right hand corner of the Petition for Divorce/Annulment). Title the paper "Separation Agreement." **BOTH** you and your spouse **MUST** sign the Separation Agreement in the presence of a notary.
- When you file this document, you **MUST ALSO** file a Stipulation to Incorporate the Separation Agreement.
- The Court will not review your agreement to decide if it is fair.

Stipulation to Incorporate the Separation Agreement Form *(file original and one copy)*

- **ONLY** file this form if you have a Separation Agreement and you want the Court to be able to enforce the Separation Agreement. Make sure you **AND** your spouse sign the Stipulation to Incorporate

the Separation Agreement and that each signature is notarized. When you file this form, you **MUST ALSO** file your Separation Agreement.



You may file a Separation Agreement and the Stipulation to Incorporate the Separation Agreement **AT ANY TIME UNTIL** the Court decides your petition.



Waiver of Rights under the Servicemembers' Civil Relief Act (*file original only*)

- **ONLY** file this form if you **ARE** in the military and would like to **WAIVE** your rights under the Servicemembers' Civil Relief Act.
- This Waiver allows the Court to proceed with the divorce process if you are unavailable because of military duties.
- If you are in the military and do not file a Waiver of Rights under the Servicemembers' Civil Relief Act, file an Affidavit of Appearance **OR** file an Answer, the Court will not schedule your Divorce Hearing until a Waiver of Rights under the Servicemembers' Civil Relief Act is filed **OR** an attorney is appointed for you.



BE SPECIFIC WHEN COMPLETING THE FORMS for filing. **DO NOT LEAVE ANY ANSWER BLANK.** If a question does not apply to you write "N/A" in the blank. When you complete a form, write in blue or black ink **AND** write neatly.



File the forms at the Family Court **in the County where either you or your spouse currently live.**

- In Kent and Sussex Counties you may file your papers at the Resource Centers on the first floor of the Family Court buildings.

- In New Castle County, you may file your papers at the Resource Center on the second floor of the New Castle County Courthouse or, **IF** you have all of the forms completed, you do **NOT** have any questions, you have made the necessary copies and you do **NOT** need any papers notarized, you may file your papers at the **Central Filing and Payment Center** located on the first floor of the New Castle County Courthouse. There is no staff assistance at the **Central Filing and Payment Center**.
- If you file your papers by mail, the addresses for each courthouse are available in the Divorce Overview and on the Family Court website. The Court does **NOT** accept filings that are faxed or e-mailed.



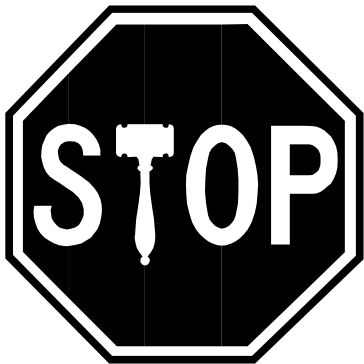
REMEMBER to mail a copy of all the papers that you file with the Court to the Petitioner. You **MUST** fill out the **Affidavit of Mailing** on the bottom of the form telling the Court that you have mailed a copy of the papers that you filed to the Petitioner or the Petitioner's attorney (if there is one). If you do not mail a copy of the form to the Petitioner, the Court **may not consider** the information on that form.

Additional Instructions for Section 1



If you file a Counterclaim with your Answer, your spouse will have **20 days** after receiving the Answer and Counterclaim to file with the Court his/her own Answer (response) to the Counterclaim.

SECTION 2 BEGINS AFTER SAMPLES OF THE SECTION 1 FORMS



**YOU NEED TO BEGIN
SECTION 2 AFTER YOU
FILE THE PAPERS IN
SECTION 1**

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

YOU MUST FILL OUT AND FILE THIS ANSWER WITHIN 20 DAYS OF RECEIVING THE PETITION FOR DIVORCE/ANNULMENT OR YOUR DIVORCE/ANNULMENT MAY BE GRANTED WITHOUT A HEARING. THIS MAY BE YOUR ONLY OPPORTUNITY TO RESPOND TO THE ALLEGATIONS MADE IN THE PETITION FOR DIVORCE/ANNULMENT.








ANSWER TO PETITION FOR DIVORCE/ANNULMENT

Petitioner			v. Respondent		
Name [Redacted]			Name John D. Smith		
Street Address [Redacted]			Street Address 490 Pine Street		
Apt. or P.O. Box Number [Redacted]			Apt. or P.O. Box Number [Redacted]		
City [Redacted]	State DE	Zip Code [Redacted]	City [Redacted]	State DE	Zip Code [Redacted]
[Redacted]			Attorney Name and Phone Number n/a		













File Number CK04-12111
Petition Number 04-36000

You can find these numbers on the notice that you received from the Court.

The Respondent answers the Petition for Divorce/Annulment as follows:

-  A. My spouse resides at the address stated on the Petition.
☒ Admitted
☐ Denied for the following reason: _____
-  B. My spouse resided in Delaware for at least six consecutive months before the filing of the Petition.
☒ Admitted
☐ Denied. My spouse has lived in Delaware since _____ (MM/DD/YY)
-  C. My spouse resided in Delaware during the dates listed on the Petition for Divorce/Annulment.
☒ Admitted
☐ Denied for the following reason: _____
-  D. My spouse's date of birth is correctly stated on the Petition.
☒ Admitted
☐ Denied for the following reason: _____
-  E. My spouse has the occupation stated on the Petition.
☒ Admitted
☐ Denied for the following reason: _____
-  F. I reside at the address stated on the Petition.
☒ Admitted
☐ Denied for the following reason: _____
-  G. I have resided in Delaware for at least six consecutive months before this petition was filed.
☒ Admitted
☐ Denied. I have lived in Delaware since _____ (MM/DD/YY)

Admit or deny the statements made by the Petitioner. If you deny the statement, explain why you disagree with the statement in the space provided. Read each statement carefully.

-  H. I have resided in Delaware during the dates listed on the Petition for Divorce/Annulment.
☒ Admitted
☐ Denied for the following reason: _____
-  I. My date of birth is correctly stated on the Petition.
☐ Admitted
☒ Denied for the following reason: My birthday is 7/13/66.
-  J. I have the occupation stated on the Petition.
☒ Admitted
☐ Denied for the following reason: _____
-  K. My citizenship and residency is properly described in the Petition.
☒ Admitted
☐ Denied. I am a citizen of _____
☐ Denied. I have resided in the following country(ies) in the past two years: _____
-  L. My spouse and I were married at the time and place stated in the Petition.
☒ Admitted
☐ Denied for the following reason: _____
-  M. My spouse and I separated on the date stated in the Petition.
☐ Admitted
☒ Denied for the following reason: My spouse and I separated on 12/26/03.
-  N. The Petition correctly stated whether Wife is pregnant.
☒ Admitted
☐ Denied for the following reason: _____
-  O. The Petition correctly stated the names and addresses of all the children of the marriage.
☒ Admitted
☐ Denied for the following reason: _____
-  P. The Petition correctly described any prior divorce or annulment proceedings brought by the parties.
☐ Admitted
☒ Denied for the following reason: I filed for divorce in 1997, but dismissed it.
-  Q. My spouse's social security number is the number stated on the Petition.
☒ Admitted
☐ Denied for the following reason: _____
-  R. My social security number is the number stated on the Petition.
☒ Admitted
☐ Denied for the following reason: _____
-  S. **ONLY ANSWER THIS QUESTION IF YOUR SPOUSE REQUESTED A DIVORCE**
 My marriage is irretrievably broken for the reason stated on the Petition.
☐ Admitted
☐ Denied. My marriage is not irretrievably broken
☒ Denied. My marriage is irretrievably broken for the following reason:
My marriage is irretrievably broken because of my spouse's misconduct.
☐ Denied. I did not commit any misconduct.

Possession of a green card does not make you a US citizen.

There are two sections to Question S. Fill out both sections.

If you agree that your marriage is irretrievably broken, but do not agree with the reason given by the Petitioner, check this box and explain why you believe that the marriage is irretrievably broken.

-AND-

Reconciliation with my spouse is not probable.

☒ Admitted

☐ Denied for the following reason: _____

T. ONLY ANSWER THIS QUESTION IF YOUR SPOUSE REQUESTED AN ANNULMENT.

The grounds for annulment are correctly stated on the Petition for Divorce/Annulment.

☐ Admitted

☐ Denied. The alleged ground for annulment did not occur.

☐ Denied. The alleged ground for annulment did not occur within the timeframe stated on the Petition for Divorce/Annulment.

☒ **This Divorce is Contested.**

If **neither** you or your spouse have lived in Delaware for at least 6 months before the Petition for Divorce/ Annulment was filed or you checked "Denied" in questions S or T, you **MUST** check this box.

I also ask that the Family Court decide all the matters checked below. (Check what you want the Family Court to decide or to order. Some of the matters require an additional filing fee. At the Court Hearing, you must prove why the Family Court should grant the relief that you check. If you do **NOT** want the Court to decide any of the below matters, do **NOT** check any of the boxes.)

☒ Property Division
(divide our marital property and/or debts)

☐ Court Costs
(have my spouse pay me for my court costs for this action)

☐ Temporary Alimony
(have my spouse pay me alimony until the divorce is final)

☐ Counsel Fees
(have my spouse pay me for my attorney fees for this action)

☐ Permanent Alimony
(have my spouse pay me alimony after the divorce is final)

☐ Other ancillary relief allowed by statute: _____

☐ Change my name to _____
(must be maiden or former name)

☒ Incorporate our Separation Agreement
(enforce your Separation agreement)

(If you want the Family Court to enforce your Separation Agreement, you **MUST** attach the original Separation Agreement signed by both parties in the presence of a notary **AND** the original Stipulation to Incorporate the Separation Agreement that is also signed by both parties in the presence of a notary.)

☐ Counterclaim for Divorce/Annulment
(file your own Petition for divorce/Annulment) – YOU MUST COMPLETE THE COUNTERCLAIM SECTION ON PAGE 4 OF THIS FORM.



Check the appropriate box for any other relief you would like from the Court.



Sign in the presence of a notary or court staff.



John D. Smith

Respondent

SWORN TO AND SUBSCRIBED before _____ date, *April 5, 2004*



Signed by notary or court staff.

Donna King

Notary Public or Clerk of Court

A copy of this Answer must be sent to the Petitioner.

AFFIDAVIT OF MAILING

Fill in the date that
you mail a copy of
your Answer to the
other party

I affirm that a true and correct copy of this Answer To Petition For Divorce/Annulment was placed in the U.S. Mail on this date 4/5/2004 And sent to the Petitioner or the attorney address listed on the petition, being Anne C. Smith, first class postage pre-paid.



Sign in the
presence of a
notary or court
staff.



John D. Smith

Respondent

SWORN TO AND SUBSCRIBED before me on this date, April 5, 2004



Signed by notary
or court staff.

Donna King

Notary Public or Clerk of Court

The Family Court of the State of Delaware


In and For ☐ New Castle ☒ Kent ☐ Sussex County

AFFIDAVIT OF CHILDREN'S RIGHTS


Petitioner

Anne C. Smith


STATE OF DELAWARE)


 Fill in the county where
you are filing,

COUNTY OF Kent)

Respondent

John D. Smith

 Fill in the date
you have the
form
notarized.


 Check the
county in which
you are filing.

File Number(s)

CK04-12111

Petition Number(s)

04-36000

 You can find
these numbers
on the Notice
that you
received from
the Court.

BE IT REMEMBERED, that on this date, April 5, 2004

John D. Smith

, ("affiant"), personally appeared before me, a Notary Public for the State and County aforesaid, who, being by me duly sworn according to law, has read or has been read to the following children's rights:

1. The right to a continuing relationship with both parents.
2. The right to be treated as an important human being, with unique feelings, ideas and desires.
3. The right to continuing care and guidance from both parents.
4. The right to know and appreciate what is good in each parent without one parent degrading the other.
5. The right to express love, affection and respect for each parent without having to stifle that love because of fear of disapproval by the other parent.
6. The right to know that the parents' decisions to divorce was not the responsibility of the child.
7. The right not to be a source of argument between the parents.
8. The right to honest answers to questions about the changing family relationships.
9. The right to be able to experience regular and consistent contact with both parents and the right to know the reason for any cancellation of time or change of plans.
10. The right to have a relaxed, secure relationship with both parents without being placed in a position to manipulate one parent against the other.



Sign in the
presence of a
notary or court
staff.



John D. Smith

Affiant

SWORN TO AND

before me this date,

April 5, 2004



Signed by a notary
or court staff.

Donna King

Notary Public

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

IN RE THE MARRIAGE OF



Anne C. Smith

Petitioner,

and

John D. Smith

Respondent,

File No.: CK04-12111

Petition No.: 04-36000

AFFIDAVIT OF APPEARANCE IN DIVORCE/ANNULMENT ACTION AND NOTICE OF INJUNCTION

BE IT REMEMBERED, that on this 20th day of March, 2004
personally appeared before me, a Notary Public for the State and County aforesaid,
John D. Smith, ("affiant"), who, being by me duly sworn
according to law, did dispose and say:

Fill in the date you have the form notarized.

1. That affiant is the respondent named in the above-captioned divorce/annulment: and
2. That affiant has received a copy of the petition in such action and this affidavit hereby enters his appearance in the action and submits to the jurisdiction of Family Court of the State of Delaware in all respects as if affiant had been served personally within the State of Delaware, with process and copies of any pleadings: and
3. That affiant understands that if he/she does not serve a response to the petitioner or the petitioner's attorney, whose name(s) appear(s) on the petition within 20 days after the date thereof, the action will be tried at the Family Court location indicated below. The parties will be sent notice of the day and time of the hearing.
4. That affiant understands the terms of the "Notice to Parties" which appears on the back of this affidavit, and that affiant understands that he/she is bound by the terms of Preliminary Injunction Order cited in that notice.



Sign in the presence of a notary or court staff.



John D. Smith

Respondent ("Affiant")

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.



One of these boxes will be checked by Court staff telling you in which county your divorce will be held.



500 N. KING STREET
WILMINGTON, DE 19801
(302) 255-0234



Signed by a notary or court staff.



400 COURT STREET
DOVER, DE 19901
(302) 739-6555



22 THE CIRCLE
GEORGETOWN, DE 19947
(302) 855-7473

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County



Anne C. Smith

Petitioner,

v.

John D. Smith

Respondent.



Check the
county in which
you are filing.

File No.: CK04-12111

CPI No.: 04-36000

STIPULATION TO INCORPORATE SEPARATION AGREEMENT

IT IS HEREBY STIPULATED and agreed by and between the Parties that the attached Separation Agreement, signed by both parties on this day March 14, 2004, be incorporated into the Final Decree of Divorce.



Anne C. Smith

Petitioner

Date: March 14, 2004

Each party must sign in the presence of a notary or court staff. The other party does not have to be present when you sign. The Petitioner and the Respondent do not have to have their signatures notarized by the same notary.



John D. Smith

Respondent

Date: March 14, 2004

Fill in the date
you have the
form notarized.

Sworn to and subscribed before me this date,

Donna Young



Signed by notary
or court staff.

March 14, 2004

Notary Public

Sworn to and subscribed before me this date,

Donna Young

March 14, 2004

Notary Public

IT IS SO ORDERED this day _____



Signed and dated
by judge.

Judge

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

IN RE THE MARRIAGE OF

Anne C. Smith

Petitioner,

and

John D. Smith

Respondent,

File No.: CK04-12111

Petition No.: 04-36000

WAIVER OF RIGHTS UNDER THE "SERVICEMEMBERS CIVIL RELIEF ACT"

STATE OF DELAWARE

Kent

COUNTY

Check the county in which the Petition was filed.

SS.

Fill in the date you have the form notarized.

BE IT REMEMBERED, that on this date, March 25, 2004, personally appeared before me, a Notary Public for the State of Delaware in the County declared above, John D. Smith, ("Affiant"), who, being duly sworn by me according to law, did depose and say:

1. That Affiant is the Respondent in the above captioned case.
2. That Affiant is active duty in the United States military: ☐ Yes ☐ No
3. The Affiant waives his/her rights under the "Servicemembers Civil Relief Act" so acknowledges that he/she, or his/her attorney, will be required to appear at all legal proceedings associated with the above captioned case.

The "Affiant" is the Respondent, in other words, you. ONLY you may complete this form. The Petitioner may not fill out this form. Do not complete this form unless you are in the military.



Sign in the presence of a notary or court staff.

John D. Smith

Respondent ("Affiant")

SWORN TO AND SUBSCRIBED before me this date, March 25, 2004



Signed by notary or court staff.

Donna Young

Notary Public or Clerk of Court

SECTION 2

PARENT EDUCATION CLASS

Only Complete This Section If You And Your Spouse Are Parents Of A Child(ren) Under The Age Of 18.

If You And Your Spouse Do Not Have Children Under The Age Of 18 Together, Go To Section 3.

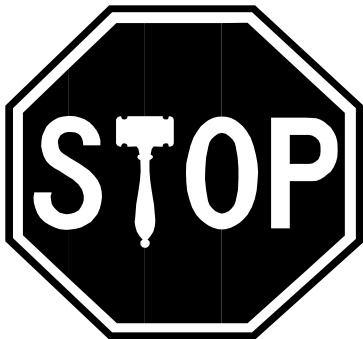


You **MUST** file the certificate below:



Certificate of Completing of Parent Education Class

All divorcing parent must take a Parent Education Class. If your child(ren) is between the ages of **eight and sixteen**, they must also attend the class. A listing of available classes may be obtained by going to Family Court. Once you have completed the Parent Education Class, the Certificate of Completion of Parent Education Class will be given to you. You must file the **ORIGINAL** copy of the Certificate of Completion of Parent Education Class with the Family Court **as soon as possible**.



**YOU DO NOT HAVE TO
BEGIN SECTION 3 UNTIL
YOUR PETITION
BECOMES TRIAL-READY**

SECTION 3

PETITION IS TRIAL-READY



The Court will not proceed with the divorce process until the Petition for Divorce/Annulment becomes **trial-ready**. The petition is trial-ready when the following jurisdictional requirements have been met.

- ☐ You and your spouse have been **separated for at least 6 MONTHS**, unless you are filing on the grounds of misconduct, then you do not have to be separated for any specified period of time. However, be aware that you must prove any allegations of misconduct by presenting evidence of the misconduct to the Court before a divorce will be granted on this ground.
- ☐ You were **served** with a copy of the Petition for Divorce/Annulment.
- ☐ The Petitioner and your child(ren) have completed the required **Parent Education Classes** and filed the **ORIGINAL** Certificate of Completion with the Court.
 - Both parties are required to take the Parent Education Classes. However, the Court will proceed with the divorce process **as soon as the Petitioner and the child(ren) have filed the Certificates of Completion**. If you do not take the class and file your Certificate of Completion, your failure to do so **will be considered** by the Court when deciding custody and visitation matters.



Once the Petition for Divorce/Annulment is trial-ready, one or both parties will receive a **Notice** from the Court telling them that you can proceed with the divorce process. The type of notification that you will receive will depend upon what type of divorce proceeding the Petitioner requested on his/her Petition for Divorce/Annulment. The following pages will describe the steps that you must follow for each type of divorce proceeding. **REMEMBER**, that the Petitioner can proceed with either type of uncontested divorce proceeding as long as the

divorce is uncontested. Also, remember that the Petitioner is not obligated to have the type of uncontested divorce proceeding that he/she initially chose on the Petition for Divorce/Annulment. The Petitioner can change his/her mind as long as the filing requirements are met.

DIVORCE DECIDED ON THE PAPERS



If the petition is uncontested and the Petitioner marked on the Petition for Divorce/Annulment that he/she wanted the Court to proceed without a hearing, solely on the papers, you, the Respondent, will receive **NO notification** from the Court.



Once the petition is trial-ready, the Petitioner will receive a Notice of Trial-Readiness telling him/her that he/she has **20 days** to file a Request to Proceed Without a Hearing and an Affidavit in Support of the Request to Proceed Without a Hearing. You do **NOT** need to file any documentation. The Court will notify you if you need to take any action. Because you cannot respond at this time, it is **IMPORTANT** that you have filed an **ANSWER**. Once the Petitioner receives the Notice of Trial-readiness, the following can happen:

- If the Petitioner **files** the Request and Affidavit, you will receive a copy of the Request and Affidavit in the mail. The Petition for Divorce/Annulment will be forwarded to a Commissioner who will review all of the papers that were filed, **INCLUDING your Answer**. Based on these documents, the Commissioner will decide whether the divorce should be granted and one of the following things will happen:
 - If the Court **GRANTS** the Petition for Divorce/Annulment you will receive a copy of the Commissioner's Order and the Decree of Divorce/Annulment in the mail. This will most likely be the first notification that you will receive from the Court after filing your Answer. A copy of the Order and Decree will also be sent to the Petitioner. If you or your spouse have requested that the Court retain jurisdiction over ancillary matters, you will also receive a paper telling you what ancillary matters the Court will decide.
 - If the Court **DOES NOT GRANT** your divorce two things can happen.

- The Commissioner can deny your Petition for Divorce/Annulment because the statutory requirements for granting a divorce were not met and you and the Petitioner will continue to be married, **OR**
 - The Commissioner can schedule a hearing to take testimony and other evidence from the parties to determine if the statutory requirements have been met. If your Petition for Divorce/Annulment is scheduled for a hearing, you will be notified by mail of the time and date of your hearing.
- If the Petitioner **DOES NOT file** the forms within the allotted time, then the Petition for Divorce/Annulment will be scheduled for a hearing and the Petitioner will have to appear in Court. You **may** appear if you would like. The Court will notify you by mail of time and date of your hearing.



Delaware law requires that in addition to being separated for 6 months, you and your spouse have lived “separate and apart” for 30 days before the Court grants a divorce. You and your spouse may reside in the same house, **BUT** **THE COURT CANNOT CONSIDER WHETHER TO GRANT YOUR PETITION FOR DIVORCE IF YOU AND YOUR SPOUSE HAVE OCCUPIED THE SAME BEDROOM OR HAD SEXUAL RELATIONS WITHIN THE 30 DAYS PRIOR TO THE COURT GRANTING YOUR DIVORCE.** Failure to adhere to this requirement may mean that your divorce is invalid (in other words, your divorce may not be valid and you may **still** be married to your spouse).

DIVORCE DECIDED AT A HEARING



If the petition is uncontested and the Petitioner marked on the Petition for Divorce/Annulment that he/she wanted to proceed with a hearing **OR** if you **contested** the divorce petition, a hearing will be held. You and the Petitioner will receive a **Notice of Hearing** notifying you of the date of your hearing. The Petitioner must attend the hearing for your Petition for Divorce/Annulment to be granted. If you are **not contesting** the divorce, then you do not have to appear at the hearing. You **may** appear if you would like. But, if you are **contesting** the divorce, then you **MUST** appear at the hearing.




If, **AFTER** you have received a **Notice of Hearing**, the Petitioner changes his/her mind and decides to proceed on the papers without having a hearing, the Petitioner may file a Request to Proceed Without a Hearing and the accompanying Affidavit anytime **at least 7 days prior** to the scheduled hearing. The Petitioner **MUST** send you a copy of the Request to Proceed Without a Hearing. If you receive a copy of the Request to Proceed Without a Hearing that was filed at least 7 days prior to the scheduled hearing, the uncontested divorce hearing will **NOT** take place and the matter will be decided on the papers. You **DO NOT** have to appear in court the day of your scheduled hearing. Otherwise, the scheduled uncontested divorce hearing will take place.

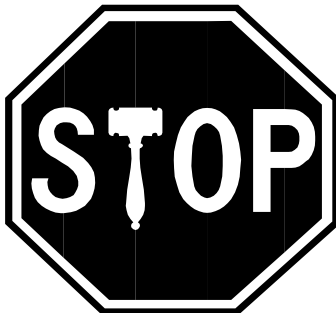


Delaware law requires that in addition to being separated for 6 months, you and your spouse must have lived “separate and apart” for 30 days before the Court grants a divorce. You and your spouse may reside in the same house, **BUT** **THE COURT CANNOT CONSIDER WHETHER TO GRANT YOUR PETITION FOR DIVORCE IF YOU AND YOUR SPOUSE HAVE OCCUPIED THE SAME BEDROOM OR HAD SEXUAL RELATIONS WITHIN THE 30 DAYS PRIOR TO YOUR HEARING.** Failure to adhere to this requirement may mean that your

divorce is invalid (in other words, your divorce may not be valid and you may **still** be married to your spouse).

 If the Court grants the Petition for Divorce/Annulment you will receive a copy of the Commissioner's Order and the Decree of Divorce/Annulment in the mail. The Petitioner will also receive a copy of the Commissioner's Order and Decree of Divorce/Annulment. If you or your spouse have requested that the Court retain jurisdiction over ancillary matters, you and the Petitioner will also receive a document telling you the ancillary matters the Court will decide.

**SECTION 4 BEGINS AFTER THE
SAMPLE FORMS FOR SECTION 3.**



**IF YOU HAVE NOT REQUESTED
ANCILLARY RELIEF, THIS IS THE END OF
THE DIVORCE PACKET. IF YOU HAVE,
BEGIN SECTION 4 IMMEDIATELY AFTER
YOU RECEIVE YOUR DIVORCE DECREE**

Section 4

RULE 16(c) FINANCIAL REPORT

Begin Immediately After Receiving Your Divorce Decree.

**Only Complete This Section If You Or Your Spouse
Requested Property Division And/Or Alimony.**

The Rule 16(c) Financial Report is a financial form on which both spouses have to provide the Court and each other information about their finances. Both parties must complete the **SAME** form. Pay careful attention to the instructions so you understand the process, which is **different** than other forms. The two steps for completing the Rule 16 (c) Financial Report are described on the following pages.



The person who requested the Court make a decision on **ANY** of the following ancillary matters must complete the form **first**:

- Division of marital property;
- Division of marital debts; **AND/OR**
- Payments of alimony.

The person who completes the form **FIRST** is the “**Petitioner**” (for the purposes of completing this form **ONLY**), even if this person is not the person who filed the Petition for Divorce/Annulment. The Petitioner must complete all sections pertaining to the “Petitioner,” while the person who did **NOT** make such requests would be the “**Respondent**” and must complete all sections pertaining to the “Respondent.”



If **BOTH** of you requested that the Court make a decision on ancillary matters, the person who filed the Petition for Divorce/Annulment is the “**Petitioner**” (for purposes of completing this form as well).

STEP ONE



The person who is the Petitioner for the purposes of this form **has 30 days AFTER the date that the Divorce Decree is signed by a Commissioner** to complete the following papers:



Rule 16 (c) Financial Report form (*forward original to your spouse*)

- This is a very long form. Allow yourself enough time to fill in all the necessary information carefully and accurately.
- REMEMBER, only fill in the portions of the form that are labeled Petitioner (P).
- On the last page of the Rule 16 (c) Financial Report, you are asked to list the proposed division of property and debts. In other words, you tell the Court how you think the property and debts should be divided. If you do not think that there is enough room in the provided box, you may write in the box “see attached” and write how you think the property should be divided on a separate piece of paper.
- After the Petitioner completes the Rule 16(c) Financial Report, he/she must sign it in the presence of a notary.
- The Petitioner must forward the **ORIGINAL** notarized Rule 16(c) Financial Report to the Respondent (the other party) or the Respondent’s attorney (if there is one).
- Before forwarding the original Rule 16(c) Financial Report, the Petitioner should make a **COPY** of the original and retain it for his/her records. This is **VERY IMPORTANT** in case the Respondent does not file the original with the Court.



Affidavit of Mailing Form *(file original only)*

- **AFTER** the Petitioner forwards the original Rule 16(c) Financial Report to the Respondent, he/she must complete the Affidavit of Mailing swearing under oath that he/she mailed the original to the Respondent or the Respondent's attorney, and file the Affidavit with the Court.

STEP TWO



The person who is the Respondent for the purposes of this form **has 30 days AFTER the date of mailing (look at postage date on the Rule 16 (c) Financial Report)** to file the following papers:



Rule 16 (c) Financial Report form *(file original and mail copy to Petitioner)*

- Once the Respondent receives the Rule 16(c) Financial Report from the Petitioner, he/she must complete the Respondent's portion of it and sign it in the presence of a notary.
- On the last page of the Rule 16 (c) Financial Report, you are asked to list the proposed division of property and debts. In other words, you tell the Court how you think the property and debts should be divided. If you do not think that there is enough room in the provided box, you may write in the box "see attached" and write how you think the property should be divided on a separate piece of paper.
- The Respondent must **file the ORIGINAL** notarized Rule 16(c) Financial Report with the Court **AND** forward **a copy** to the Petitioner or the Petitioner's attorney (if there is one).
- Before filing the original Rule 16(c) Financial Report with the Court, the Respondent should make a second copy and retain it for his/her records.



Affidavit of Mailing Form *(file original only)*

- **AFTER** the Respondent forwards a copy of the Rule 16(c) Financial Report to the Petitioner, he/she must complete the Affidavit of Mailing swearing under oath that he/she mailed a copy to the Petitioner or the Petitioner's attorney.

Additional Instructions for Completing the Rule 16 (c) Financial Report



The whole form **MUST** be completed. Both parties must fill out the Rule 16 (c) Financial Report completely. Even if there is something that you do not want the other party to know you must put it on the form anyway or contact the Court by **Motion immediately** to tell the Court why you think that information should not be on the form. Please see the Motion Instruction Packet for more information about filing a Motion. The Court will decide if you must put the information on the Rule 16 (c) Financial Report. **DO NOT WAIT UNTIL YOUR 30 DAYS HAVE PASSED TO FILE YOUR MOTION WITH THE COURT.**



If you do not fill out the Rule 16 (c) Financial Report or if you hide property from your former spouse and the Court, the Court can impose the following **SANCTIONS** (penalties):

- Order you to pay your former spouse's attorney fees;
- Accept your former spouse's information on the form as true and ignore any information you may have; or
- Enter a **Default Judgment** or **Dismissal** against you. In other words, you could lose.



If neither party files the Rule 16 (c) Financial Report in a timely manner, then the request for the Family Court to determine the ancillary matters will be dismissed.



If one party does not file the Rule 16 (c) Financial Report, the Family Court may grant a **Default Judgment** or **Dismissal** against him/her. In other words, that party may lose. The Court may also impose the same penalties stated above for not completing the form. If your former spouse fails to file Rule 16 (c) Financial Report, you may be directed by the Court to file the following document. You may also be asked to submit a copy of the Rule 16 (c) Financial Report you filled out.



Form of Order (*file original only*)

- On this document, you tell the Judge what you would like him/her to order by writing a **proposed order** for the judge to sign. You must write down how you want the Court to divide your marital property/debts and/or how much alimony should be paid.
- Be specific in what you write because the judge may sign the Form of Order exactly how you have written it, making what you have written an **enforceable Court Order**.
- **DO NOT FILE THIS DOCUMENT UNTIL DIRECTED BY THE COURT TO DO SO**. This document is only filed **IF** your former spouse fails to file the Rule 16 (c) Financial Report in a timely manner.
- This document is **NOT** found in the Forms Packet. It is available in the Resource Centers and on the Family Court Website.



If you **REALLY** have tried to finish the Rule 16 (c) Financial Report Form but you cannot, you may request the Court to give you more time by filing a **Motion**. Please see the Motion Instruction Packet for more information about filing a Motion. It is up to the Court to decide whether you will get more time and you must have a good reason for the request. Not completing the Rule 16 (c) Financial Report Form because you did not feel like doing it or you did not find

the time to complete it, is not a good reason and the Court probably will not give you more time.

**SECTION 5 BEGINS AFTER
SAMPLES OF THE SECTION 4 FORMS**



**SECTION 5
DESCRIBES WHAT TO
EXPECT NEXT.**

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Date that
Commissioner
signed the
Divorce Decree

RULE 16(c) FINANCIAL REPORT

PROPERTY DIVISION, ALIMONY, COUNSEL FEES

To be completed
by the party that is
the Petitioner for
purposes of filing
this form.

DATE OF MARRIAGE: May 16, 1987

DATE OF SEPARATION: January 1, 2004

DATE OF DIVORCE: July 7, 2004

CASE NAME: Smith v. Smith

FILE NUMBER: CK04-12111

PETITION NUMBER: 04-36000

PETITIONER'S NAME: Anne C. Smith

ADDRESS: 10 Oak Street, Apartment # 123

Dover, Delaware 19901

SOCIAL SECURITY NUMBER: 111-22-3333

DATE OF BIRTH: 2/3/64

HOME PHONE: (302) 555-1111

WORK PHONE: (302) 555-9999

EMPLOYER NAME: ABC Child Care

EMPLOYER ADDRESS: 500 Pine Street

Dover, DE 19904

YEARS EMPLOYED: 7 years

POSITION OR OCCUPATION: Pre-school teacher

CURRENT ANNUAL INCOME: \$28,400.00

PETITIONER'S ATTORNEY: none

ATTORNEY'S ADDRESS: N/A

PHONE #: N/A

FAX: N/A

E-MAIL ADDRESS (optional): N/A

RESPONDENT'S NAME:

ADDRESS:

SOCIAL SECURITY NUMBER:

DATE OF BIRTH:

HOME PHONE:

WORK PHONE:

EMPLOYER NAME:

EMPLOYER ADDRESS:

YEARS EMPLOYED:

POSITION OR OCCUPATION:

CURRENT ANNUAL INCOME:

RESPONDENT'S ATTORNEY:

ATTORNEY'S ADDRESS:

PHONE #:

FAX #:

E-MAIL ADDRESS (optional)

Respondent will
fill out this side of
the page.

A. Names and dates of birth of minor children of the parties. Indicate with whom the child(ren) primarily reside: Mother (M); Father (F); Shared (S).

(P)

Doug A. Smith 10/14/91 (M)

Mary J. Smith 4/17/96 (M)

(R)

B. Names and dates of birth of any adult children residing with either party. Indicate whether the child is enrolled in school.

(P)

N/A

(R)

C. Describe your employment history for the past five years. Include the name of each employer, the dates of employment, the last annual income with each employer, and the reason employment ended. Start with your most recent employer.

PETITIONER (P): EMPLOYER	DATES OF EMPLOYMENT START DATE END DATE		ENDING ANNUAL INCOME	REASON FOR LEAVING
ABC Child Care	8/1/97	Present	\$28,4000	Still at job.

RESPONDENT (R): EMPLOYER	DATES OF EMPLOYMENT START DATE END DATE		ENDING ANNUAL INCOME	REASON FOR LEAVING

Respondent will fill out **ALL** sections labeled with an (R).

D. Do you have health/dental insurance benefiting you, your spouse and/or children of this marriage?
 (P) ☒ YES ☐ NO (R) ☐ YES ☐ NO

If so, please state the name of your insurance company, the group and member numbers and cost:

(P)

Insurance Company:	Blue Cross/Blue Shield
Group Number:	876T
Member Number:	897654321
Monthly Cost:	\$146.00

(R)

Insurance Company:	
Group Number:	
Member Number:	
Monthly Cost:	

E. Does your employer offer a qualified and/or non-qualified pension plan?

(P) ☐ YES ☒ NO (R) ☐ YES ☐ NO

Are you a participant in any pension and/or retirement plan at your current place of employment?

(P) ☐ YES ☒ NO (R) ☐ YES ☐ NO

Were you a participant in any other pension and/or retirement plan(s) through previous employment?

(P) ☐ YES ☒ NO (R) ☐ YES ☐ NO

If so, please state the name(s) of all plan(s), plan administrator(s), address(es) and phone number(s) in which you are a participant:

(P)

(R)

FILM

F. Do you have any other deductions from your pay (not including taxes), such as union dues, mandatory pension deductions, or other?

(P) ☒ YES ☐ NO

(R) ☐ YES ☐ NO

If so, please identify the deduction and monthly cost:

DEDUCTION	MONTHLY COST
Education Assoc. Dues	\$15.00

DEDUCTION	MONTHLY COST

G. Do you participate in or own any life insurance on your life?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO

If so, please state the following:

Name of Plan	Policy Number	Type*	Beneficiary	Face Value	Cash Surrender Value	Monthly Cost	Basis for Non-Marital Claim

* Type: W= Whole Life T= Term E= Employer

H. Do you claim any inability to pay support due to ill health, disability or extraordinary expenses which results in dependency upon the other party for support and/or impairment of earning capacity?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO

If yes, please provide below the name and address of all treating physicians and state the nature of the disability:

(P)

(R)

I. Are you receiving any income from benefits such as Social Security retirement, Social Security Disability (SSDI), VA benefits, federal pension (CSRS or FERS), private disability or military pension?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO



If so, please indicate from where you receive the benefit(s) and the monthly amount:

BENEFIT	MONTHLY COST

BENEFIT	MONTHLY COST

J. During the last five (5) years, have you given, transferred, or entrusted your property (including cash) in excess of \$1000.00 in the aggregate to anyone other than a party to this proceeding?



(P) ☒ YES ☐ NO

(R) ☐ YES ☐ NO

If so, please name the recipient of each item and describe the item and its value:

(P)

I loaned my sister \$2,500.00 for college expenses.

(R)

INCOME INFORMATION



K. List annual gross income from all sources for last three years, including estimated gross income for current year:

PETITIONER

3 years ago	\$24,500
2 years ago	\$26,100
1 year ago	\$27,200
Current	\$28,400

RESPONDENT

3 years ago	\$
2 years ago	\$
1 year ago	\$
Current	\$

ASSETS OF THE PARTIES

“Assets” include all assets (property) of any kind, including real estate, and tangible and intangible personal property (such as bank accounts, stocks, bonds, etc.). Unless you explain otherwise, it will be presumed that you are the sole legal owner of any asset(s) identified in your answers. If you are not the sole legal owner, please explain the nature and extent of your ownership, including the name of all co-owners. **If the space provided is insufficient, please attach additional pages, indicating whether the attachment is supplied by Petitioner or Respondent.**

All property will be considered marital and subject to division unless a party indicates to the contrary. Such an indication must be made by listing one of the following reasons for claiming the property is non-marital under the “Basis for Non-Marital Claim” category:

- Premarital** (Property owned by a party before marriage).
- Agreement** (Property excluded by agreement of the parties).
- Post-Separation** (Property acquired after separation).
- Exchange** (Property acquired in exchange for premarital property).
- Increase** (The increase in value of property acquired before marriage).
- Gift** (Property acquired by gift from a third person).
- Inheritance** (Property acquired by inheritance).

PLEASE COMPLETE THE FOLLOWING INFORMATION:



REAL PROPERTY

L. Interests in real estate:

Address	In Whose Name	Market Value	Mortgage Balance	Source of funds for purchase	Basis for Non-Marital Claim
490 Pine Street Wilmington, Delaware 19899	(J)	(P) \$141,875.00 (R)	\$83,980.00	Loans	None
		(P) (R)			
		(P) (R)			



MOTOR VEHICLES

M. Automobiles, trailers, motorcycles, and other vehicles:

Make, Model & Year	In Whose Name	Date Acquired	Value by Petitioner*	Value by Respondent*	Balance on Loan	Who drives?	Basis for Non-Marital Claim
1998 Honda Accord	(J)	July 2000	\$8,400.00		\$1,547.65	(P)	None
1999 Chevy Trailblazer	(J)	Nov 2002	\$7,100.00	STOP	\$2,912.04	(R)	None

Respondent will fill in the value in this column.

* NOTE: The Court generally uses the current retail NADA book value for automobiles



BANK ACCOUNTS

N. Checking accounts, savings accounts, certificates of deposit:

Name and Address of Institution	Account Number	Present Value	In Whose Name	Basis for Non-Marital Claim
SavingsTrust, 800 Market Street, Wilmington	98645230007	\$483.78	(J)	None



RETIREMENT PLAN(S)

A. Profit sharing plans and/or retirement plans (other than your pension) such as an IRA:

Name of Plan	In Whose Name	Value of Plan & Date of Value	Does the Non-contributor Claim a Share of Post-Separation Contributions?		Basis for Non-Marital Claim
Investment Inc. IRA	(R)	\$26,942.65 as of July 29, 2004	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	None
			Y <input type="checkbox"/>	N <input type="checkbox"/>	
			Y <input type="checkbox"/>	N <input type="checkbox"/>	
			Y <input type="checkbox"/>	N <input type="checkbox"/>	
			Y <input type="checkbox"/>	N <input type="checkbox"/>	



INVESTMENTS

B. Stocks, mutual funds, securities, bonds and options:

Corporation	Shares	Class	In Whose Name	Date Acquired	Market Value	Basis for Non-Marital Claim
N/A						



ANNUITIES

C. Annuities:

Name and Address of Company	Amount of Payment	Date of First Payment	Duration of Payments	Beneficiary upon Death	In Whose Name	Basis for Non-Marital Claim
N/A						



D. If you have any interest in any business, please state:

BUSINESSES

Respondent
will fill in this
column.



PETITIONER

RESPONDENT

NAME OF BUSINESS:	N/A
ADDRESS:	
PERCENTAGE OF INTEREST OF BUSINESS:	
YEARS OF OPERATION:	
NAME OF ACCOUNTANT:	
ACCOUNTANT'S ADDRESS:	
BASIS FOR CLAIM THAT PROPERTY IS NON-MARITAL:	
ARE THERE ANY BUY/SELL AGREEMENTS?	Y <input type="checkbox"/> N <input type="checkbox"/>

NAME OF BUSINESS:	
ADDRESS:	
PERCENTAGE OF INTEREST OF BUSINESS:	
YEARS OF OPERATION:	
NAME OF ACCOUNTANT:	
ACCOUNTANT'S ADDRESS:	
BASIS FOR CLAIM THAT PROPERTY IS NON-MARITAL:	
ARE THERE ANY BUY/SELL AGREEMENTS?	Y <input type="checkbox"/> N <input type="checkbox"/>

HOUSEHOLD FURNISHINGS AND BELONGINGS

If the parties do not agree how to divide their household furnishings and belongings, the Court generally divides them by the "two-list" method. One party prepares two lists dividing all of the marital furnishings and belongings. The other party chooses which of the two lists of household furnishings and belongings he or she will keep. The party who prepared the two lists will keep the household furnishings and belongings listed on the remaining list.

PETITIONER RESPONDENT

The household furnishings and belongings: have been divided ☒ Yes ☐ No ☐ Yes ☐ No

will be divided by the
"two-list" method ☐ Yes ☐ No ☐ Yes ☐ No



An asset is anything of
value owned by you and
your former spouse.

OTHER ASSETS

E. Other Asset:	In Whose Name	Value
N/A		



DEBTS OF THE PARTIES

F. Please complete the chart below regarding ALL of the debts incurred during this marriage

Write the name of the creditor (the institution, company, person, etc.) to whom money is owed	Write the name of the person responsible to the creditor	Write the general purpose of the debt incurred (why was the money borrowed?)	Write the date the debt was incurred	Write the amount of money owed on the date of separation	Write the amount of money owed on the date of divorce	Would you like credit for the money you paid after the date of separation? If so, how much?
1) Mastercard	Anne and John	Household purchases	Over past ten years	(P) \$2,731.06 (R)	(P) \$5,099.75 (R)	(P) No (R)
2) Lowes Credit Card	Anne and John	Household purchases	Over past two years	(P) \$900.14 (R)	(P) \$450.14 (R)	(P) \$450.00 (R)
3) Loan on Honda	Anne and John	Purchase Car	July 2000	(P) \$2,751.34 (R)	(P) \$1,547.65 (R)	(P) \$1,203.69 (R)
4) Loan on Trailblazer	Anne and John	Purchase Car	Nov. 2002	(P) \$4,401.88 (R)	(P) \$2,912.04 (R)	(P) No (R)
5)				(P) (R)	(P) (R)	(P) (R)
6)				(P) (R)	(P) (R)	(P) (R)
7)				(P) (R)	(P) (R)	(P) (R)
8)				(P) (R)	(P) (R)	(P) (R)
9)				(P) (R)	(P) (R)	(P) (R)
10)				(P) (R)	(P) (R)	(P) (R)
11)				(P) (R)	(P) (R)	(P) (R)
12)				(P) (R)	(P) (R)	(P) (R)
13)				(P) (R)	(P) (R)	(P) (R)
14)				(P) (R)	(P) (R)	(P) (R)
15)				(P) (R)	(P) (R)	(P) (R)



PETITIONER'S EXPENSE INFORMATION

List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM	CURRENT EXPENSES	ESTIMATED EXPENSES
Rent	\$625.00	\$800.00
Mortgage (taxes, insurance and escrow)	0	0
Water	0	0
Sewer	0	0
Electric	\$95.00	\$95.00
Gas	\$45.00	\$80.00
Oil	0	0
Garbage	0	0
Cable television	\$65.00	\$65.00
Telephone	\$25.00	\$65.00
Household items	\$45.00	\$45.00
Household maintenance and repairs (list)		
Item:	0	0
Item:	0	0
Groceries	\$250.00	\$250.00
Clothing	\$50.00	\$50.00
Health Insurance (COBRA)	\$146.00	\$158.00
Out-of-pocket medical and dental expenses for self	\$14.00	\$14.00
Medical and dental expenses for the children	\$40.00	\$40.00
Work-related child care	0	0
School tuition for children of the parties	0	0
School tuition for other children	0	0
Laundry and dry cleaning	\$15.00	\$15.00
Toys and presents	\$50.00	\$50.00
Cosmetics and toiletries	\$20.00	\$20.00
Hobbies	\$35.00	\$35.00
Barber and hairdresser	\$50.00	\$50.00
Newspaper, magazine subscriptions	0	0
Charitable and/or religious donations	\$50.00	\$50.00
Vacation	\$100.00	\$100.00
Entertainment and miscellaneous	\$35.00	\$35.00
Transportation (other than auto)	0	0
Automobile		
Monthly payment	\$200.00	\$200.00
Repairs and maintenance	\$30.00	\$30.00
Insurance	\$85.00	\$92.00
Gasoline	\$40.00	\$40.00
Life Insurance	0	0
Other	0	0
TOTAL	\$2,110.00	\$2,379.00



Respondent
will fill out
this page.

RESPONDENT'S EXPENSE INFORMATION

- V. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM	CURRENT EXPENSES	ESTIMATED EXPENSES
Rent		
Mortgage (taxes, insurance and escrow)		
Water		
Sewer		
Electric		
Gas		
Oil		
Garbage		
Cable television		
Telephone		
Household items		
Household maintenance and repairs (list)		
Item:		
Item:		
Groceries		
Clothing		
Health Insurance (COBRA)		
Out-of-pocket medical and dental expenses for self		
Medical and dental expenses for the children		
Work-related child care		
School tuition for children of the parties		
School tuition for other children		
Laundry and dry cleaning		
Toys and presents		
Cosmetics and toiletries		
Hobbies		
Barber and hairdresser		
Newspaper, magazine subscriptions		
Charitable and/or religious donations		
Vacation		
Entertainment and miscellaneous		
Transportation (other than auto)		
Automobile		
Monthly payment		
Repairs and maintenance		
Insurance		
Gasoline		
Life Insurance		
Other		
TOTAL		

IF ANY PARTY DELIBERATELY FAILS TO DISCLOSE INFORMATION REQUIRED IN THIS REPORT OR DELIBERATELY MISREPRESENTS INFORMATION IN RESPONSE TO QUESTIONS IN THIS REPORT, THE COURT MAY IMPOSE SANCTIONS, INCLUDING, BUT NOT LIMITED TO, AWARDING THE ENTIRE ASSET TO THE OTHER PARTY REGARDLESS OF ANY OTHER EQUITABLE CIRCUMSTANCES, AWARDING ATTORNEY'S FEES OR OTHER EXPENSES INCURRED FOR THE ADDITIONAL TIME REQUIRED TO DISCOVER THE ASSET, OR ANY OTHER PENALTY THAT THE COURT DEEMS APPROPRIATE.

PROPOSED DIVISION

Please list below the proposed division of property and debts and reasons for proposal, to the extent known:



PETITIONER

I would like to keep my car. I would like the house sold and the profits divided. I would like a portion of my husband's pension And IRA accounts.



RESPONDENT

Respondent will fill out this column.

Fill in the County where you have this form notarized and the date that you have it notarized.

STATE OF Delaware :
COUNTY OF Kent : SS.

:
: SS.

BE IT REMEMBERED that on this 1st day of August, 2004, appeared before me,

a Notary Public for the State and County aforesaid,

Anne C. Smith, who being by
(Name of Petitioner)

me duly sworn according to law, did depose and say that the for Only sign this form in the presence of a notary or court staff. the best of his/her knowledge and belief.



Anne C. Smith

PETITIONER

Donna King

NOTARY PUBLIC OR CLERK OF COURT

COUNSEL FOR PETITIONER, IF ANY

August 4, 2004

DATE

BE IT REMEMBERED that on this _____ day of _____, _____, appeared before me, a

Notary Public for the State and County aforesaid,

_____, who being by
(Name of Respondent)

me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

RESPONDENT

NOTARY PUBLIC OR CLERK OF COURT

COUNSEL FOR RESPONDENT, IF ANY

DATE

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

RULE 16(c) FINANCIAL REPORT

PROPERTY DIVISION, ALIMONY, COUNSEL FEES

DATE OF MARRIAGE: May 16, 1987
DATE OF SEPARATION: January 1, 2004
DATE OF DIVORCE: July 7, 2004

CASE NAME: Smith v. Smith
FILE NUMBER: CK04-12111
PETITION NUMBER: 04-36000

The Petitioner will have already completed his/her portion of the form. You will only complete the Respondent's sections. Examples of the Respondent's sections have been highlighted in grey. Any writing not highlighted in grey was filled in by the Petitioner.

PETITIONER'S NAME:	Anne C. Smith
ADDRESS:	10 Oak Street, Apartment # 123
	Dover, Delaware 19901
SOCIAL SECURITY NUMBER:	111-22-3333
DATE OF BIRTH:	2/3/64
HOME PHONE:	(302) 555-1111
WORK PHONE:	(302) 555-9999
EMPLOYER NAME:	ABC Child Care
EMPLOYER ADDRESS:	500 Pine Street
	Dover, DE 19904
YEARS EMPLOYED:	7 years
POSITION OR OCCUPATION:	Pre-school teacher
CURRENT ANNUAL INCOME:	\$28,400.00
PETITIONER'S ATTORNEY:	none
ATTORNEY'S ADDRESS:	N/A
PHONE #:	N/A
FAX:	N/A
E-MAIL ADDRESS (optional):	N/A

RESPONDENT'S NAME:	John D. Smith
ADDRESS:	490 Pine Street
	Wilmington, Delaware 19899
SOCIAL SECURITY NUMBER:	787-98-6767
DATE OF BIRTH:	7/13/65
HOME PHONE:	(302) 555-9876
WORK PHONE:	(302) 555-3434
EMPLOYER NAME:	XYZ Corporation
EMPLOYER ADDRESS:	67 Walnut Ave.
	Newark, Delaware 19867
YEARS EMPLOYED:	2 years
POSITION OR OCCUPATION:	Computer Technician
CURRENT ANNUAL INCOME:	\$35,500.00
RESPONDENT'S ATTORNEY:	none
ATTORNEY'S ADDRESS:	N/A
PHONE #:	N/A
FAX #:	N/A
E-MAIL ADDRESS (optional):	N/A

A. Names and dates of birth of minor children of the parties. Indicate with whom the child(ren) primarily reside: Mother (M); Father (F); Shared (S).

(P)

Doug A. Smith	10/14/91	(M)
Mary J. Smith	4/17/96	(M)

(R)

Doug A. Smith	10/14/91	(M)
Mary J. Smith	4/17/96	(M)

B. Names and dates of birth of any adult children residing with either party. Indicate whether the child is enrolled in school.

(P)

N/A

(R)

N/A

C. Describe your employment history for the past five years. Include the name of each employer, the dates of employment, the last annual income with each employer, and the reason employment ended. Start with your most recent employer.

PETITIONER (P):

EMPLOYER	START DATE	END DATE	ANNUAL INCOME	REASON FOR LEAVING
ABC Child Care	8/1/97	Present	\$28,4000	Still at job.



RESPONDENT (R):

EMPLOYER	START DATE	END DATE	ANNUAL INCOME	REASON FOR LEAVING
XYZ Corporations	9/15/02	Present	\$35,000	Still at job.
Acme Accounting Firm	2/10/01	9/08/02	\$30,150	Higher salary at current position.
Buggy Pest Control	5/1/93	2/1/01	\$26,000	Enter a new career field.

D. Do you have health/dental insurance benefiting you, your spouse and/or children of this marriage?

(P) ☒ YES ☐ NO

(R) ☒ YES ☐ NO

If so, please state the name of your insurance company, the group and member numbers and cost:

(P)

Insurance Company: Blue Cross/Blue Shield
Group Number: 876T
Member Number: 897654321
Monthly Cost: \$146.00

(R)

Insurance Company: Coventry
Group Number: 98743 ZTR
Member Number: H7765J78
Monthly Cost: \$34.00

E. Does your employer offer a qualified and/or non-qualified pension plan?

(P) ☐ YES ☒ NO

(R) ☒ YES ☐ NO

Are you a participant in any pension and/or retirement plan at your current place of employment?

(P) ☐ YES ☒ NO

(R) ☒ YES ☐ NO

Were you a participant in any other pension and/or retirement plan(s) through previous employment?

(P) ☐ YES ☒ NO

(R) ☐ YES ☒ NO

If so, please state the name(s) of all plan(s), plan administrator(s), address(es) and phone number(s) in which you are a participant:

(P)

(R)

Saga Investment Plan
Saga Financial Administrators
345 West Blue Street, Miami Florida 45611
(211) 555-1000

F. Do you have any other deductions from your pay (not including taxes), such as union dues, mandatory pension deductions, or other?

(P) ☒ YES ☐ NO

(R) ☐ YES ☒ NO

If so, please identify the deduction and monthly cost:

DEDUCTION	MONTHLY COST
Education Assoc. Dues	\$15.00

DEDUCTION	MONTHLY COST

If Petitioner has already filled in this section, add any additional insurance policies owned by the parties.

G. Do you participate in or own any life insurance on your life?

(P) ☐ YES ☒ NO

(R) ☒ YES ☐ NO

If so, please state the following:

Name of Plan	Policy Number	Type*	Beneficiary	Face Value	Cash Surrender Value	Monthly Cost	Basis for Non-Marital Claim
American Insurers	6664442220	T	Wife	\$100,000.00	\$32,000.00	\$19.00	Pre-marital

* Type: W= Whole Life T= Term E= Employer

H. Do you claim any inability to pay support due to ill health, disability or extraordinary expenses which results in dependency upon the other party for support and/or impairment of earning capacity?

(P) ☐ YES ☒ NO

(R) ☐ YES ☒ NO

If yes, please provide below the name and address of all treating physicians and state the nature of the disability:


(P)

(R)

I. Are you receiving any income from benefits such as Social Security retirement, Social Security Disability (SSDI), VA benefits, federal pension (CSRS or FERS), private disability or military pension?

(P) ☐ YES ☒ NO

(R) ☐ YES ☒ NO

If so, please indicate from where you receive the benefit(s) and the monthly amount: 

BENEFIT	MONTHLY COST

BENEFIT	MONTHLY COST

J. During the last five (5) years, have you given, transferred, or entrusted your property (including cash) in excess of \$1000.00 in the aggregate to anyone other than a party to this proceeding?

(P) ☒ YES ☐ NO

(R) ☐ YES ☒ NO 


If so, please name the recipient of each item and describe the item and its value:

(P)

I loaned my sister \$2,500.00 for college expenses.

(R)

INCOME INFORMATION

K. List annual gross income from all sources for last three years, including estimated gross income for current year: 

PETITIONER

3 years ago	\$24, 500
2 years ago	\$26, 100
1 year ago	\$27, 200
Current	\$28,400

RESPONDENT 

3 years ago	\$30,150
2 years ago	\$33,440
1 year ago	\$35,000
Current	\$35,000

ASSETS OF THE PARTIES

“Assets” include all assets (property) of any kind, including real estate, and tangible and intangible personal property (such as bank accounts, stocks, bonds, etc.). Unless you explain otherwise, it will be presumed that you are the sole legal owner of any asset(s) identified in your answers. If you are not the sole legal owner, please explain the nature and extent of your ownership, including the name of all co-owners. **If the space provided is insufficient, please attach additional pages, indicating whether the attachment is supplied by Petitioner or Respondent.**

All property will be considered marital and subject to division unless a party indicates to the contrary. Such an indication must be made by listing one of the following reasons for claiming the property is non-marital under the “Basis for Non-Marital Claim” category:

- Premarital** (Property owned by a party before marriage).
- Agreement** (Property excluded by agreement of the parties).
- Post-Separation** (Property acquired after separation).
- Exchange** (Property acquired in exchange for premarital property).
- Increase** (The increase in value of property acquired before marriage).
- Gift** (Property acquired by gift from a third person).
- Inheritance** (Property acquired by inheritance).

PLEASE COMPLETE THE FOLLOWING INFORMATION:

REAL PROPERTY

Fill in what you think the value of the property is. Also, list any additional property owned by you and the Respondent.

L. Interests in real estate:

Address	In Whose Name	Market Value	Mortgage Balance	Source of funds for purchase	Basis for Non-Marital Claim
490 Pine Street Wilmington, Delaware 19899	(J)	(P) \$141,875.00 (R) \$156,222.00	\$83,980.00	Loans	None
17 Beach Street Bowers, Beach Delaware 19765	(R)	(P) (R) \$56,000.00	\$0.00	Inheritance	Inheritance
		(P) (R)			

Fill in what you think the motor vehicles are valued and add any additional motor vehicles owned by the parties.

MOTOR VEHICLES

M. Automobiles, trailers, motorcycles, and other vehicles:

Make, Model & Year	In Whose Name	Date Acquired	Value by Petitioner*	Value by Respondent*	Balance on Loan	Who drives?	Basis for Non-Marital Claim
1998 Honda Accord	(J)	July 2000	\$8,400.00	\$9,600.00	\$1,547.65	(P)	None
1999 Chevy Trailblazer	(J)	Nov 2002	\$7,100.00	\$7,100.00	\$2,912.04	(R)	None

* NOTE: The Court generally uses the current retail NADA book value for automobiles

BANK ACCOUNTS

Add any additional bank accounts owned by the parties.

N. Checking accounts, savings accounts, certificates of deposit:

Name and Address of Institution	Account Number	Present Value	In Whose Name	Basis for Non-Marital Claim
Savings Trust, 800 Market Street, Wilmington	98645230007	\$483.78	(J)	None
First Bank, 134 Holly Street, Newark	9874635	\$3,290.00	(R)	Inheritance

RETIREMENT PLAN(S)

Add any additional retirement plans owned by the parties.

O. Profit sharing plans and/or retirement plans (other than your pension) such as an IRA:

Name of Plan	In Whose Name	Value of Plan & Date of Value	Does the Non-contributor Claim a Share of Post-Separation Contributions?	Basis for Non-Marital Claim
Investment Inc. IRA	(R)	\$26,942.65 as of July 29, 2004	Y <input checked="" type="checkbox"/> X <input type="checkbox"/> N <input type="checkbox"/>	None
			Y <input type="checkbox"/> X <input type="checkbox"/> N <input type="checkbox"/>	
			Y <input type="checkbox"/> X <input type="checkbox"/> N <input type="checkbox"/>	
			Y <input type="checkbox"/> X <input type="checkbox"/> N <input type="checkbox"/>	
			Y <input type="checkbox"/> X <input type="checkbox"/> N <input type="checkbox"/>	

INVESTMENTS

Add any additional investments owned by the parties.

P. Stocks, mutual funds, securities, bonds and options:

Corporation	Shares	Class	In Whose Name	Date Acquired	Market Value	Basis for Non-Marital Claim
N/A						
XYZ Corporation Stocks	10	A	(J)	9/15/02	\$26.30 per share	none

ANNUITIES

Add any additional annuities owned by the parties.

Q. Annuities:

Name and Address of Company	Amount of Payment	Date of First Payment	Duration of Payments	Beneficiary upon Death	In Whose Name	Basis for Non-Marital Claim
N/A						

BUSINESSES

A. If you have any interest in any business, please state:

PETITIONER

NAME OF BUSINESS: N/A
ADDRESS:
PERCENTAGE OF INTEREST OF BUSINESS:
YEARS OF OPERATION:
NAME OF ACCOUNTANT:
ACCOUNTANT'S ADDRESS:
BASIS FOR CLAIM THAT PROPERTY IS NON-MARITAL:
ARE THERE ANY BUY/SELL AGREEMENTS? Y <input type="checkbox"/> N <input type="checkbox"/>

RESPONDENT

NAME OF BUSINESS: N/A
ADDRESS:
PERCENTAGE OF INTEREST OF BUSINESS:
YEARS OF OPERATION:
NAME OF ACCOUNTANT:
ACCOUNTANT'S ADDRESS:
BASIS FOR CLAIM THAT PROPERTY IS NON-MARITAL:
ARE THERE ANY BUY/SELL AGREEMENTS? Y <input type="checkbox"/> N <input type="checkbox"/>

HOUSEHOLD FURNISHINGS AND BELONGINGS

If the parties do not agree how to divide their household furnishings and belongings, the Court generally divides them by the "two-list" method. One party prepares two lists dividing all of the marital furnishings and belongings. The other party chooses which of the two lists of household furnishings and belongings he or she will keep. The party who prepared the two lists will keep the household furnishings and belongings listed on the remaining list.

PETITIONER

RESPONDENT

The household furnishings and belongings: have been divided

X Yes ☐ No

☒ Yes ☐ No

will be divided by the

"two-list" method ☐ Yes ☐ No

☐ Yes ☐ No

Add any additional assets owned by the parties.

OTHER ASSETS

B. Other Asset:

In Whose Name

Value

N/A		

DEBTS OF THE PARTIES

Fill in the Respondent's portion of the chart below. Add any additional debts owed by the parties.

C. Please complete the chart below regarding **ALL** of the debts incurred during this marriage

Write the name of the creditor (the institution, company, person, etc.) to whom money is owed	Write the name of the person responsible to the creditor	Write the general purpose of the debt incurred (why was the money borrowed?)	Write the date the debt was incurred	Write the amount of money owed on the date of separation	Write the amount of money owed on the date of divorce	Would you like credit for the money you paid after the date of separation? If so, how much?
1) Mastercard	Anne and John	Household Purchases	Over past ten years	(P) \$2,731.06 (R) \$2,731.06	(P) \$5,099.75 (R) \$5,099.75	(P) No (R) \$1,250.00
2) Lowes Cedit Card	Anne and John	Household Purchases	Over past to years	(P) \$900.14 (R) \$900.14	(P) \$450.14 (R) \$900.14	(P) \$450.00 (R) No
3) Loan on Honda	Anne and John	Purchase Car	July 2000	(P) \$2,751.34 (R) \$2,751.34	(P) \$1,547.65 (R) \$1,547.65	(P) \$1,203.69 (R) No
4) Loan on Trailblazer	Anne and John	Purchase Car	Nov. 2002	(P) \$4,401.88 (R) \$4,401.88	(P) \$2,912.04 (R) \$2,912.04	(P) No (R) \$1489.84
5)				(P) (R)	(P) (R)	(P) (R)
6)				(P) (R)	(P) (R)	(P) (R)
7)				(P) (R)	(P) (R)	(P) (R)
8)				(P) (R)	(P) (R)	(P) (R)
9)				(P) (R)	(P) (R)	(P) (R)
10)				(P) (R)	(P) (R)	(P) (R)
11)				(P) (R)	(P) (R)	(P) (R)
12)				(P) (R)	(P) (R)	(P) (R)
13)				(P) (R)	(P) (R)	(P) (R)
14)				(P) (R)	(P) (R)	(P) (R)
15)				(P) (R)	(P) (R)	(P) (R)

PETITIONER'S EXPENSE INFORMATION

List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM	CURRENT EXPENSES	ESTIMATED EXPENSES
Rent	\$625.00	\$800.00
Mortgage (taxes, insurance and escrow)	0	0
Water	0	0
Sewer	0	0
Electric	\$95.00	\$95.00
Gas	\$45.00	\$80.00
Oil	0	0
Garbage	0	0
Cable television	\$65.00	\$65.00
Telephone	\$25.00	\$65.00
Household items	\$45.00	\$45.00
Household maintenance and repairs (list)		
Item:	0	0
Item:	0	0
Groceries	\$250.00	\$250.00
Clothing	\$50.00	\$50.00
Health Insurance (COBRA)	\$146.00	\$158.00
Out-of-pocket medical and dental expenses for self	\$14.00	\$14.00
Medical and dental expenses for the children	\$40.00	\$40.00
Work-related child care	0	0
School tuition for children of the parties	0	0
School tuition for other children	0	0
Laundry and dry cleaning	\$15.00	\$15.00
Toys and presents	\$50.00	\$50.00
Cosmetics and toiletries	\$20.00	\$20.00
Hobbies	\$35.00	\$35.00
Barber and hairdresser	\$50.00	\$50.00
Newspaper, magazine subscriptions	0	0
Charitable and/or religious donations	\$50.00	\$50.00
Vacation	\$100.00	\$100.00
Entertainment and miscellaneous	\$35.00	\$35.00
Transportation (other than auto)	0	0
Automobile		
Monthly payment	\$200.00	\$200.00
Repairs and maintenance	\$30.00	\$30.00
Insurance	\$85.00	\$92.00
Gasoline	\$40.00	\$40.00
Life Insurance	0	0
Other	0	0
TOTAL	\$2,110.00	\$2,379.00



RESPONDENT'S EXPENSE INFORMATION

- V. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM	CURRENT EXPENSES	ESTIMATED EXPENSES
Rent	0	0
Mortgage (taxes, insurance and escrow)	\$980.00	\$980.00
Water	\$24.00	\$24.00
Sewer	\$16.00	\$16.00
Electric	\$160.00	\$160.00
Gas	0	0
Oil	0	0
Garbage	\$18.00	\$18.00
Cable television	\$65.00	\$65.00
Telephone	\$85.00	\$70.00
Household items	\$30.00	\$30.00
Household maintenance and repairs (list)		
Item: New Roof	0	\$100.00
Item:	0	0
Groceries	\$100.00	\$100.00
Clothing	\$25.00	\$25.00
Health Insurance (COBRA)	\$34.00	0
Out-of-pocket medical and dental expenses for self	\$36.00	\$60.00
Medical and dental expenses for the children	0	0
Work-related child care	0	0
School tuition for children of the parties	0	0
School tuition for other children	0	0
Laundry and dry cleaning	\$25.00	\$25.00
Toys and presents	\$35.00	\$35.00
Cosmetics and toiletries	\$10.00	\$10.00
Hobbies	\$95.00	\$95.00
Barber and hairdresser	\$15.00	\$15.00
Newspaper, magazine subscriptions	\$12.00	0
Charitable and/or religious donations	0	0
Vacation	\$60.00	\$60.00
Entertainment and miscellaneous	\$35.00	\$35.00
Transportation (other than auto)	0	0
Automobile		
Monthly payment	\$250.00	\$250.00
Repairs and maintenance	\$10.00	\$10.00
Insurance	\$112.00	\$112.00
Gasoline	\$55.00	\$55.00
Life Insurance	\$19.00	\$19.00
Other	0	0
TOTAL	\$2,306.00	\$2,364.00

IF ANY PARTY DELIBERATELY FAILS TO DISCLOSE INFORMATION REQUIRED IN THIS REPORT OR DELIBERATELY MISREPRESENTS INFORMATION IN RESPONSE TO QUESTIONS IN THIS REPORT, THE COURT MAY IMPOSE SANCTIONS, INCLUDING, BUT NOT LIMITED TO, AWARDING THE ENTIRE ASSET TO THE OTHER PARTY REGARDLESS OF ANY OTHER EQUITABLE CIRCUMSTANCES, AWARDING ATTORNEY'S FEES OR OTHER EXPENSES INCURRED FOR THE ADDITIONAL TIME REQUIRED TO DISCOVER THE ASSET, OR ANY OTHER PENALTY THAT THE COURT DEEMS APPROPRIATE.

PROPOSED DIVISION

Please list below the proposed division of property and debts and reasons for proposal, to the extent known:

PETITIONER

I would like to keep my car. I would like the house sold and the profits divided. I would like a portion of my husband's pension and IRA accounts.

Fill in the county where you have this form notarized and the date that you have it notarized.

STATE OF Delaware :
COUNTY OF Kent : SS.

BE IT REMEMBERED that on this 1st day of August, 2004, appeared before me, a Notary Public for the State and County aforesaid, Anne C. Smith, who being by (Name of Petitioner) me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

Anne C. Smith

PETITIONER

Donna King

NOTARY PUBLIC OR CLERK OF COURT

COUNSEL FOR PETITIONER, IF ANY

August 4, 2004
DATE

RESPONDENT

I would like to keep my truck. I would like to keep the house and have my wife by me out. I will share my pension with my wife. I don't want my wife to have the savings account or property I inherited from my grandfather.

STATE OF Delaware :
COUNTY OF New Castle : SS.

BE IT REMEMBERED that on this 26th day of August, 2004, appeared before me, a Notary Public for the State and County aforesaid, John D. Smith, who being by (Name of Respondent) me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge.

Only sign this form in the presence of a notary or court staff.

John D. Smith

RESPONDENT

Donna King

NOTARY PUBLIC OR CLERK OF COURT

COUNSEL FOR RESPONDENT, IF ANY

August 26, 2004
DATE

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

Petitioner			Respondent				
Name	Anne C. Smith		Name	John D. Smith		File Number	
Street Address	10 Oak Street		Street Address	490 Pine Street			CK04-12111
Apt. or P.O. Box Number	Apt#123		Apt. or P.O. Box Number			Petition Number	
City	State	Zip Code	City	State	Zip Code		04-36000
Dover	DE	19901	Wilmington	DE	19899	Type of Filing	
Social Security Number	Date of Birth		Social Security Number	Date of Birth			
111-22-3333	2/3/64		787-98-6767	7/13/65			
Attorney Name and Phone Number			Attorney Name and Phone Number				
n/a			n/a				

AFFIDAVIT OF MAILING

Check the appropriate box depending on whether you are the Petitioner or the Respondent.

I am filing the above-captioned case having been previously filed in this

(Check **ONE**) ☐ Petitioner/Movant ☐ Attorney for Petitioner/Movant
☒ Respondent/Movant ☐ Attorney for Respondent/Movant

affirm that a true and correct copy of this: (Check **ONE** and complete as appropriate.)

☐ Answer to Petition ☒ 16(C) Financial Report
☐ Motion or ☐ Response to Motion

You are mailing a copy of the 16 (c) Financial Report.

☐ Other: _____

(Other type of document mailed to opposing party/attorney)

was placed in the U.S. Mail on this date, August 26, 2004, and sent first class postage pre-paid to the: (Check **ONE** and complete as appropriate.)

☒ Opposing party at the address listed above
☐ Attorney for opposing party at the address listed below

Fill in the date that you mail a copy of the 16 (c) Financial Report to the other party.

SWORN TO AND SUBSCRIBED before

me this date, August 26, 2003



Sign in the presence of a notary or court staff



John D. Smith
Party/Movant/Attorney



Donna King
Notary Public

Signed by a notary or court staff

Only complete this form if you have been instructed to do so by the Court.

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

Anne C. Smith

Petitioner

v.

John D. Smith

Respondent

File No.: CK04-12111

Petition No.: 04-36000

Circle or underline the appropriate party based on the Court's instructions.

ORDER

The Petitioner/Respondent, failed to timely file the Rule 16 (c) Financial Report. Therefore, the Court directed the Petitioner/Respondent, to file a Form of Order stating how matters should be resolved. Accordingly, the ancillary matters are decided

Explain specifically how you would like your property to be divided.

The Petitioner will keep the 1998 Honda Accord and Respondent will keep the 1999 Chevy Trailblazer.

The Respondent will retain possession of the marital home located at 490 Pine Street in Wilmington, DE. Respondent will pay Petitioner for her share of the home.

Petitioner will receive half of the Respondent's pension and retirement accounts.

Each party will make payments on the vehicle that they keep.

Petitioner will pay the MasterCard and Respondent will pay the Lowes Card.

IT IS SO ORDERED.



Signed by a hearing officer.

Judge/Commissioner

Date:

cc:

SECTION 5

ANCILLARY HEARING WITH A JUDGE



If you or your former spouse requested that the Court determine **property division, alimony, counsel fees, court costs and/or any other ancillary relief allowed in Title 13, section 1507 (f)**, these matters will be scheduled for a Hearing before a judge. The hearing will be scheduled **AFTER** the Rule 16(c) Financial Report form is completed by both parties and filed with the Court. The Court will notify you by mail of the date of your hearing.



Depending on how complicated your case is, the Judge may schedule a **Pre-trial Conference**. The Court will notify you if a pre-trial conference will be held. You may also be required to submit additional information regarding your finances to the Court.

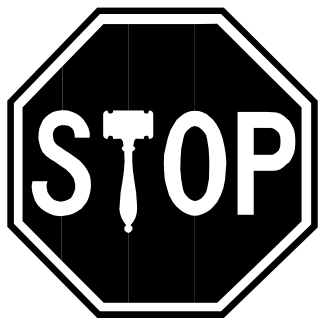


If you do not comply with the Court's request for additional information, the Court may impose the following **SANCTIONS** (penalties):

- Continue the hearing;
- Accept your former spouse's information as true and ignore any information you may have; or
- Order you to pay your former spouse's attorney fees; or
- Dismiss the case.



Before you Hearing(s) you should refer to the FAQ's (Frequently Asked Questions) dealing with the topics of you Hearings(s) and on How to Prepare for a Hearing. Reviewing these materials will allow you to be prepared to fully participate in the hearing.



**THIS IS THE END OF
THE ANSWER TO
PETITION FOR
DIVORCE PACKET.**